

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Constantine Kartsones,

Case No.: 2:20-cv-02222-JAD-EJY

Plaintiff

v.

Order Dismissing Action

Las Vegas Metropolitan Police Department,
et al.,

Defendants

Plaintiff Constantine Kartsones brings this civil-rights case under § 1983 for events he alleges occurred during his incarceration at the Clark County Detention Center.¹ On September 9, 2021, the magistrate judge ordered Kartsones to file an updated address with the court by October 8, 2021.² The magistrate judge expressly warned him that his failure to timely comply with the order would result in the dismissal of this case.³ The deadline has passed, and Kartsones has not filed an updated address.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.⁴ A court may dismiss an action with prejudice based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.⁵ In determining whether to

¹ ECF No. 1-1 (complaint).

² ECF No. 9 (order).

³ *Id.*

⁴ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

⁵ *See Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S.*

1 dismiss an action for lack of prosecution, failure to obey a court order, or failure to comply with
2 local rules, the court must consider several factors: (1) the public's interest in expeditious
3 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
4 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
5 availability of less drastic alternatives.⁶

6 I find that the first two factors—the public's interest in expeditiously resolving the
7 litigation and the court's interest in managing the docket—weigh in favor of dismissing this case.
8 The risk-of-prejudice factor also weighs in favor of dismissal because a presumption of injury
9 arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
10 prosecuting an action.⁷ The fourth factor is greatly outweighed by the factors in favor of
11 dismissal, and a court's warning to a party that his failure to obey the court's order will result in
12 dismissal satisfies the consideration-of-alternatives requirement.⁸ Kartsonne was warned that his
13 case would be dismissed without prejudice if he failed to update his address by October 8, 2021.⁹
14 So, Kartsonne had adequate warning that his failure to update his address would result in this
15 case's dismissal.

16 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
17 prejudice based on Kartsonne's failure to file an updated address in compliance with this court's
18 September 9, 2021, order; and
19

20 _____
21 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court
22 order).

23 ⁶ *Malone*, 833 F.2d at 130.

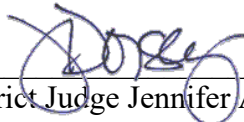
⁷ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

⁸ *Malone*, 833 F.2d at 132–33.

⁹ ECF No. 9 (order).

1 The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS
2 CASE.

3 Dated: October 14, 2021

4 
U.S. District Judge Jennifer A. Dorsey